

REMARKS

In response to the above-identified Office Action, Applicants seek reconsideration in view of the following remarks. In this response, Applicants amend claims 1, 2, 7, 12, 18, 37, 38, 43, and 48. Applicants do not add or cancel any claims. Accordingly, claims 1-20, 22-50, 52 and 53 are pending.

I. Claims Rejected Under 35 U.S.C. § 112, first paragraph

Claims 2, 7, 8, 24, 30, 38, 43 and 44 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully disagree for the following reasons.

In regard to claim 2, this claim depends from independent claim 1. The Examiner has acknowledged that the elements of independent claim 1 specifically "storing an operation" and "executing the operation idempotently with a network resource process" are described in the specification in such a way as to convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention. However, the Examiner argues that the insert operation discussed in paragraph [0027] is not idempotently executed and that even though the insert operation is an atomic operation, it does not support all of the elements of claim 2.

Applicants believe that the Examiner misunderstands the disclosure and Applicants' arguments. Applicants refer the Examiner to paragraph [0027] to show that the movement of records into the database after receiving a commit command may be done atomically with an atomic insert operation. The Applicants were not arguing that the insert operation was the operation that is idempotently executed and stored in a log as a record. The Examiner is failing to read the specification as a whole and to understand how the various parts of the invention work in connection with one another. The Examiner has already noted that paragraph [0021] sets forth that the RCM receives transactions and stores operations from these transactions in a log. The Examiner also notes that an example of an operation that might be stored in these logs could be a CLI operation such as the "start OSPF" operation. The Examiner failed to note that paragraph

[0021] also goes on to state that "each RDB operation is stored within the stable log memory 110 until a commit command for the transaction is received."

Paragraphs [0024] through [0028] describe different embodiments of how the RDB log may be implemented. Paragraph [0027] previously indicated by the Applicants describes an embodiment where the RDB is implemented as a binary tree in which records are stored. These records correspond to or include those operations received from the RCM as mentioned above in paragraph [0021]. Paragraph [0027] goes on to state that these insert operations, as well as other binary tree operations may be done atomically. Thus, paragraph [0027] in connection with paragraph [0021] sets forth that the RCM receives transactions and stores operations from transactions in the RDB log where the store operation takes the operations received by the RDB and stores them as records in an atomic fashion in the log. Thus, the "start OSPF" command cited as an example in paragraph [0021] and noted by the Examiner might be an operation that is stored as a record in the log of the RDB. When that "start OSPF" command is saved in the log, the operation of saving the command is atomic. Subsequently, a commit command may be received and the "start OSPF" command in the log may be processed. Thus, the elements of claim 2 are supported by the specification. Specifically, as set forth above, the specification supports storing of an operation that may have been executed idempotently with the network resource process in a log and 'storing any type of operation', e.g., an instruction in a log in an atomic fashion, is supported in paragraph [0027]. Accordingly, reconsideration and withdrawal of the written description based rejection of claim 2 are requested.

In regard to claim 7, paragraph [0021] sets forth that transactions are composed of a set of operations. Paragraph [0032] sets forth that the operations in a transaction may be organized as a group or a logical unit that may be rolled back or rolled forward as a unit. Further, Figures 4A, 4B and 5 and the accompanying discussion in the specification relate generally to the committing of a transaction as a whole. Paragraph [0032] sets forth that the subsections of a transaction, i.e., a set of operations, may also be handled in the same fashion. Thus, the specification inherently supports performing a sequence of operation as an atomic transaction because the specification sets

forth how the set of instructions may be committed as a group and rolled back or rolled forward as a group. Accordingly, reconsideration and withdrawal of the written description requirement rejection or claim 7 are requested.

In regard to claim 8, the Examiner states that the description does not support where each of the sequence operations having performed idempotently. However, it would be clear to one of ordinary skill in the art that each of the operations in the transaction or group may be idempotent CLI operations such as those operations discussed in paragraph [0047]. Accordingly, reconsideration and withdrawal of the rejection of claim 8 are requested. Claims 24, 30, 43 and 44 include essentially the same combination of elements of those discussed in regard to claims 2, 7 and 8. Thus, these claims are supported by the specification for the reasons set forth in regard to those claims. Accordingly, reconsideration and withdrawal of the written description rejection of those claims are requested.

II. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 2, 4, 5, 7, 8, 10, 12-14, 16, 24, 26, 29, 30, 32-34, 36-38, 40, 41, 43, 44 and 46 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,526,416 issued to Long, et al (hereinafter "Long"). Applicants respectfully disagree for the following reasons.

To anticipation a claim, it is axiomatic that each element must be taught by a single reference. In regard to independent claims 1, 24 and 37, these claims includes the elements of "storing an operation" and "executing the operation idempotently with a network resource process." The Examiner cites col. 19, line 9-15 as teaching these elements of claim 1. Specifically, the Examiner relies on the "end commit ()" method which is idempotent for teaching these elements of claims 1, 24 and 37. However, the "end commit" method is not an operation that is stored in the log of Long and then executed idempotently. Rather, it is a commit process which operates on the log. See generally, col. 18, line 52 through col. 19, line 15 which discusses a method that operates on the log received from the CRM worker. Thus, the Examiner has not

established that Long teaches "storing an operation" and "executing an operation idempotently with a network resource process" as claimed in claims 1, 24 and 37. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1, 24 and 37 are requested.

Claims 2, 4, 5, 26, 38, 40 and 41 depend from independent claims 1, 24 and 37 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 1, 24 and 37, these claims are not anticipated by Long. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 2, 4, 5, 26, 38, 40 and 41 are requested.

In regard to claims 7, 12 and 43, these claims include the elements of "storing a sequence of operations in a network element." Long does not teach managing data for transactions in a network element. Rather, Long teaches a system of transaction processing for a server application and client environment. See col. 5, lines 40-52. Thus, Long does not teach each of the elements of claims 7, 12 and 43. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 7, 12 and 43 are requested.

In regard to claims 8, 10, 13, 14, 16 and 46, these claims depend from independent claims 7, 12 and 43 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 7, 12 and 43, these claims are not anticipated by Long. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

Claims 29 and 33 relates to a network element containing a processor and a storage unit. The Examiner states on page 12 that "Long teaches a network element as in Figure 1." However, Figure 1 does not depict a network element. Rather, Figure 1 of Long clearly teaches a server computer 20. See Figure 1 of Long. Thus, Long does not teach a process or a storage unit in a network element as claimed in claims 29 and 33. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 29 and 33 are requested.

In regard to claims 30, 32, 34 and 36, these claims depend from independent claims 29 and 33 incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 29 and 33, these claims are not anticipated by Long. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 30, 32, 34 and 36 are requested.

III. Claims Rejected Under 35 U.S.C. § 103

Claims 3, 9, 15, 18-20, 23, 25, 31, 35, 39, 45, 58-50 and 53 stand rejected under 35 U.S.C. § 103 as unpatentable over Long in view of U.S. Patent No. 6,115,715 issued to Traversat, et al. (hereinafter "Traversat").

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references combined teach or suggest each of the elements of the claims. In regard to claims 3, 9, 15, 25, 31, 35, 39 and 45, these claims depend from independent claims 1, 7, 12, 24, 29, 33, 37 and 43 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to the independent claims, Long does not teach each of the elements of these claims. Further, the Examiner has not established that Traversat teaches or cures the defects of Long by teaching or suggesting those elements of the claims that are not taught by Long. Specifically, storing an operation in a log as a record and storing instructions in a network element. Rather, the Examiner relies on Traversat for teaching elements related to resolving lock contention. Thus, Long in view of Traversat does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

In regard to independent claims 18 and 48, these claims include many of the similar elements to claim 7. Thus, Long does not teach or suggest each of the elements of claim 18 and 48, specifically receiving an operation in a network element. As mentioned above, Traversat does not cure these defects of Long. The Examiner has not established that Traversat teaches these elements of claims 18 and 48. Rather, the Examiner relies on Traversat for teaching elements related to lock contention. Thus, Long in view of Traversat do not teach or suggest each of the

elements of claims 18 and 48. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

In regard to claims 19, 20, 23, 49, 50 and 53, these claims depend from independent claims 18 and 48, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to those claims, Long, in view of Traversat does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

In regard to claims 6, 11, 17, 22, 27, 28, 42, 47, and 52 stand rejected under 35 U.S.C. §103 as being unpatentable over Long.

These claims depend from independent claims 1, 7, 12, 24, 37, 43 and 48 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to the independent claims, Long does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-20, 22-50, 52 and 53 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/25, 2005


Jonathan S. Miller, Reg. No. 48,534

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 25, 2005.


Lillian E. Rodriguez

1-25-05
January 25, 2005